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DNR-FS-2019-02

SMALL BUSINESS COMPLIANCE GUIDE

Amendment to Subtitle 02 Fisheries Service

Regarding the Department's Regulations for Submerged Aquatic Vegetation Protection Zones

COMAR 08.02.01.12

Released October 25, 2019

Updated January 31, 2020

This Guide is prepared in accordance with the requirements of State Government Article, §10-110, Annotated Code of Maryland. It is intended to help small businesses comply with the revised rules adopted in the above-referenced sections of the Code of Maryland Regulations. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small businesses, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply.

The Department will clarify or update the text of the Guide as an idea moves through the regulatory process. Direct your comments and recommendations, or calls for further assistance, to Fishing and Boating Services Regulatory Division:

410-260-8300

410-260-8DNR; toll free in Maryland 877-620-8DNR; TTY Users Call via the Maryland Relay
Fax: 410-260-8310

I. SUMMARY & FAQs

What was proposed?

The department proposed revisions to the Submerged Aquatic Vegetation Protection Zones. Zones are being revised using data from aerial surveys compiled by the Virginia Institute of Marine Sciences (VIMS). This action adds 16,872 acres of protection zones and removes 2,787 acres, for a total increase of 14,085 acres. The following tables list the general areas being changed. Please see the maps for a better idea of where the changes are located.

AREAS BEING ADDED TO SAV ZONE DESIGNATION		
COUNTY	AREA	MAP
Anne Arundel	Old Colony Cove	Anne Arundel Map
Calvert	Broomes Island	Calvert Map
	Solomons Island	
Dorchester	Cook Point	Dorchester Map
Kent	North of Eastern Neck Island	Kent Map
Queen Anne's	Crab Alley Bay	Queen Anne's Map
	Prospect Bay	
	Wye River	
Somerset	Bloodsworth Island	Somerset Map #1
	South Marsh Island	
	Deal Island	Somerset Map #3
	Manokin River	Somerset Map #4
		Somerset Map #5
		Somerset Map #6
	Big Annessex River	Somerset Map #6
	Janes Island	Somerset Map #7
	Cedar Island	Somerset Map #8
	Little Annessex River	
	Ape Hole Creek	Somerset Map #9
St. Mary's	Gunby Creek	Somerset Map #10
	Potomac River (downstream of Breton Bay)	St. Mary's Map #1
	Potomac River (near Lake Conoy)	St. Mary's Map #3
	Smith Creek	St. Mary's Map #2
Talbot	Webster Field Annex	
	Miles River	Talbot Map #1
	Eastern Bay	Talbot Map #2
	Harris Creek	Talbot Map #3
Worcester	Black Walnut Cove	
	Sinepuxent Bay	Worcester Map #2
	Rowley Cove/Tizzard Island	Worcester Map #3
	Parker Bay/Mills Island	Worcester Map #1

AREAS BEING REMOVED FROM SAV ZONE DESIGNATION		
COUNTY	AREA	MAP
Somerset	Deal Island	Somerset Map #3
St. Mary's	Potomac River (near St. George Island)	St. Mary's Map #2
Worcester	Assawoman Bay	Worcester Map #4
	Sinepuxent Bay	Worcester Map #2
	Rowley Cove/Tizzard Island	Worcester Map #3
	Parker Bay/Mills Island	Worcester Map #1

Why is this change necessary?

Natural Resources Article, §4-1006.1, Annotated Code of Maryland requires the department to create and update submerged aquatic vegetation protection zones every three years using data from the annual aerial survey compiled by the Virginia Institute of Marine Sciences (VIMS) for the annual Bay-wide Submerged Aquatic Vegetation Mapping Program.

Who will this affect?

Commercial clammers who utilize any of the affected areas.

What do you need to do to comply with the change?

Individuals harvesting clams with a hydraulic clam dredge will have to stay out of the new or expanded SAV protection zones.

Has this change been discussed with advisory commissions?

This idea was discussed with the Sport Fisheries Advisory Commission and Tidal Fisheries Advisory Commission at their October 2019 meetings.

What are the specific regulatory actions?

Amend Regulation .12 under COMAR 08.02.01 General.

II. DEFINITIONS

“Hydraulic Clam Dredge” is any device used for dredging clams which consists of a manifold through which water is forced under pressure for the purpose of digging clams and working them into the mouth of the dredge where the clams then are brought up to boat level by means of an escalator. "Hydraulic clam dredge" includes the vessel on which the dredge is carried.

“Submerged Aquatic Vegetation (SAV)” is a variety of grasses that grow to the surface of, but do not emerge from, shallow water.

“Submerged Aquatic Vegetation Protection Zone” is an area delineated by the department for the protection from uprooting and the restoration of submerged aquatic vegetation.

III. IMPLEMENTATION DATE

The department expects this change to be effective early April 2020, however the exact date cannot be determined. The department will follow our normal scoping and proposal procedures.

During the scoping process, the Department gathers suggestions and ideas from stakeholders and others about how to solve a fishery problem or address a need. The goal of scoping is to identify issues, potential impacts, and reasonable alternatives associated with the issues so that management actions can be developed. After the public has had an opportunity to comment on possible management actions during the scoping process, the department considers these comments and develops an appropriate management strategy. The ideas for this proposal were scoped from October 25 through November 10, 2019.

At the conclusion of the scoping process, the department determined that the action is necessary and appropriate. The rules are being promulgated following the Administrative Procedures Act described in Title 10, Subtitle 1 of the State Government Article Annotated Code of Maryland.

- The General Assembly's Administrative, Executive, and Legislative Review Committee reviews the regulatory proposal for fiscal and legal analysis.
- The proposal is printed by the Division of State Documents in the Maryland Register.
- A 30 day public comment period begins on the day of publication. The proposed action was printed in the Maryland Register on January 31, 2020. The comment period will close at 11:59 p.m. March 2, 2020.
- After review of the comments, the Department may adopt the changes.
- If the department adopts the changes, they become effective after a notice is published in the Maryland Register that announces approval and the effective date.

IV. INTERNET LINKS & ADDITIONAL RESOURCES

- [Natural Resources Article, §4-1001, Annotated Code of Maryland](#)
- [Natural Resources Article, §4-1006.1, Annotated Code of Maryland](#)
- [COMAR 08.02.01.12](#)